

AMENDMENT AND RESPONSE UNDER 37 CFR §1.111

Serial Number: 09/752,666

Dkt: P1650USOO

Filing Date: December 28, 2000

Title: METHOD AND DEVICE FOR TEMPORARILY STORING DATA

**REMARKS**

Claims 1, 2, 7 through 10, 12, 14 through 15, and 17 through 20 remain in this application. Claims 3 through 6, 11, 13, and 16 have been canceled. Claims 21 through 28 have been added.

**Paragraphs 8 through 10 of the Office Action**

Claims 14 and 20 have been objected to for the informalities noted in the Office Action.

Claims 14 and 20 have been amended in a manner believed to clarify any informalities in the language.

Withdrawal of the objections to claims 14 and 20 is therefore respectfully requested.

**Paragraphs 1 through 17 and 11 through 35 of the Office Action**

Paragraphs 12 through 21 contain a rejection of claims 1 through 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,163,779 ("Mantha") in view of US Patent 6,304,948 ("Motoyama").

Paragraphs 22 through 23 contain ii) a rejection to claim 9 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,163,779 ("Mantha") in view of US Patent 6,304,948 ("Motoyama") in further view of US Patent 6,038,601 ("Lambert").

Paragraphs 24 through 25 contain a rejection to claim 11 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,163,779 ("Mantha") in view of US Patent 6,304,948 ("Motoyama") in further view of US Patent 6,098,064 ("Pirolli").

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Paragraphs 28 through 35 contain a rejection to claims 12 through 20 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,163,779 ("Mantha") in view of US Patent 6,304,948 ("Motoyama") in further view of US Patent 5,819,043 ("Baugher").

The §103(a) rejection of claims 1 through 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,163,779 ("Mantha") in view of US Patent 6,304,948 ("Motoyama") is respectfully traversed, for at least the reasons set forth herein.

Claim 1, particularly as amended, requires "receiving, by a client system in response to a request by a user of the client system, data from a network in a distributed system", "obtaining, by said client system from the user of the client system, an indication of a minimum length of time during which the received data is to be temporarily stored", and "storing temporarily at least a portion of the received data for a period of at least the minimum length of time". The definition of the invention as reflected in the requirements of claim 1, set forth a method in which the user of the client system is capable of setting the minimum length of time at the client system that a file may be temporarily stored, and the claim focuses on the control that is exercised by the user of the client system over the minimum length of time..

In the Office Action, it is conceded in the Office Action that: Mantha et al. fail to disclose specifying with said client a minimum length of time during which the received data is to be temporarily stored.

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It is then asserted that

Motoyama et al. teach the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration date has passed (Col 5, Lines 47-60). This is particularly advantageous since it allows the removal of old data from storage, reducing the amount of storage space needed to hold the temporary data. It also helps by removing unwanted files, making it easier for the user to find particular files.

It is noted that the Motoyama patent does not disclose that the purpose of erasing "expired" files is to reduce the amount of storage used by "old data", or that it makes it "easier for the user to find particular files". Perhaps more importantly, it is not alleged in the Office Action that the Motoyama patent discloses this erasing of files occurs "with the client", as required by claim 1. Nevertheless, it is contended in the Office Action that (emphasis added)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user of the system disclosed by Mantha et al. to specify, with the client, a minimum length of time to store the received data. This allows the system to clean up unwanted files by removing them after they expire. This saves storage space and makes it easier for the user to find particular files at a later time.

However, it is submitted that the Motoyama patent does not provide any suggestion to one of ordinary skill in the art the step of "obtaining, by said client system from the user of the client system, an indication of a minimum length of time during which the received data is to be temporarily stored" Instead, the Motoyama patent is silent as to at what entity any such erasing of files is performed, or more importantly, where the "minimum length of time during which the received data is to be temporarily stored" occurs.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Mantha and Motoyama set

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forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 2 and 7 through 10, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Claim 12 (and dependent claim 13 which inherits this change) recites the step of, "at said client, entering a user specified time" to clarify that the retention period is entered or specified *at the client* instead of *at the source of the data* or Web page. This requirements is thus similar to the requirements of claim 1, and it is therefore submitted that the same reasoning that applies to claim 1 also applied to claim 12.

Claim 14 includes the requirement "for a user specified minimum period of time." This claim has been amended to further clarify that the "user specified minimum period of time is specified by entry made at said input device" [underline added for emphasis]. The requirements of claim 14 are similar to the requirements of claim 1, and the same reasoning is also believed to apply to these claims.

Claim 20 includes, "for a user specified minimum period of time." This claim has been amended to further clarify that the "user specified minimum period" is being specified at the client. This claim, as well as dependent claims 15-19, are now generally aligned with the requirements of claim set 1-10, and again the same reasoning is believed to apply to these claims.

With respect to the Baugher patent, which the Patent Office relies upon to provide an allegedly obvious motivation to provide

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the user (or client system) with the control of the expiration time of the Motoyama patent, it is noted that the Baugher patent is directed to "A system, method and program for adjusting a resource reservation for multimedia and normal traffic". The referenced portion of the Baugher patent states, at col. 3, lines 1 through 16, that:

Thus, whatever means is devised to automatically reserve system or network resources to high bandwidth traffic is likely to be nonoptimal, particularly as new technologies and multimedia file types evolve. Too much multimedia traffic for the reserved resources will result in overutilization causing glitches or jitter in the multimedia sessions. If too much resource is reserved for multimedia traffic to solve the problem above, normal data traffic will be prevented from transmission. The applicants have recognized a need to adjust the allocation of resources devoted to a multimedia session. Further, because a human being is the most adaptable control means yet devised, the applicants propose a user interface operable by the network administrator or other system user. The interface allows one to adjust a default or calculated maximum resource reservation value to a new value to better optimize performance.

As can be appreciated from the above excerpt, as well as the remainder of the Baugher disclosure, the system set forth in the Baugher patent is directed not to any means or manner of reducing data stored in storage, but instead is directed to the reduction of "traffic" or utilization of communication over a network where multimedia data is being transmitted. This problem has little or no relation to the problems addressed in the Mantha and Motoyama patents, and it appears that the Baugher teaching is being utilized only to the extent that it states that "a human being is the most adaptable control means yet developed", which does not necessarily suggest that user control in all circumstances is desirable, especially in the area of storage utilization (as opposed to network communication traffic). It is therefore submitted that one of

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ordinary skill in the art, considering the system for saving a web page to a local hard drive of Mantha, and the system for erasing data from storage of Motoyama, would look to the Baugher disclosure for improvements for storage techniques.

It is therefore respectfully submitted that the Mantha patent, the Motoyama patent, and the Baugher patent, either taken singly or as a hypothetical combination, do not teach or suggest the claimed features. Accordingly, withdrawal of the §103 rejection of claims 1, 2, 7 through 10, 12, 14 through 15, and 17 through 20 is respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By 

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